

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

ANGELA WILLIAMS

PLAINTIFF

4:19-CV-00835-BRW

ALLSTATE INSURANCE COMPANY

DEFENDANT

ORDER

A question of subject-matter jurisdiction may be raised *sua sponte* at any time.¹ Federal court diversity jurisdiction requires an amount in dispute over \$75,000 and all the parties on one side of the controversy must be citizens of different states from all of the parties on the other side.²

Plaintiff's Complaint asserts that Defendant breached an insurance contract when it failed to pay uninsured motorist coverage. Under the contract, that amount is capped at \$25,000. Plaintiff seeks the policy limits for uninsured motorist coverage, a 12% penalty, and lawyer's fees.³

No reasonable attorneys' fees and 12% can make up the \$50,000 difference between the policy limits and the \$75,000 jurisdictional minimum. Accordingly, I find to a legal certainty that Plaintiff's claims do not satisfy the amount-in-controversy requirement.⁴ The Clerk of the Court is directed to immediately REMAND this CASE to Circuit Court of Pulaski, County, Arkansas.

IT IS SO ORDERED this 18th day of August, 2020.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹*Bueford v. Resolution Trust Corp.*, 991 F.2d 481, 485 (8th Cir. 1993).

²28 U.S.C. § 1332; *Indianapolis v. Chase National Bank*, 314 U.S. 63, 70 (1941).

³Doc. No. 2.

⁴*Larkin v. Brown*, 41 F.3d 387, 388 (8th Cir. 1994).